DOCUMENT RESUME

ED 189 491 CG 014 516

AUTHOR Bedell, Frederick D.
TITLE The Division for Youth: An Agency in Transition. An Issue Paper.
INSTITUTION New York State Div. for Youth, Albany.
PUB DATE Nov 78
NOTE 73p.: Chart 1 will reproduce marginally.

EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS Adolescents: *Agency Role: *Child Advocacy: Community Programs: *Delinquency: Delivery Systems: Justice: *Juvenile Courts: Legal Problems: Program Evaluation: *Rehabilitation Programs: State Agencies: *Youth Agencies
IDENTIFIERS *New York State Division For Youth

ABSTRACT

This history of the rehabilitative services offered by the New York State Division for Youth (DFY) is reviewed to show how the DFY has evolved from its inception as a Youth Services Commission in 1945 to a major state agency with a primary responsibility to provide youth services. The role and problems of the agency are discussed in terms of its functions, i.e., to act both as the State of New York's arm for funding local youth development and delinquency prevention programs and as the operator of rehabilitation programs for juvenile offenders. Other areas addressed include: (1) operation of the legal framework within the agency: (2) an analysis of DFY clientele: (3) problems associated with community-based programming: and (4) regionalization and coordinated service delivery system effort. Additionally, recommendations for a unified system of juvenile justice and child care are provided. (Author/HLM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED189491

N.Y.S. DIVISION FOR YOUTH

THE DIVISION FOR YOUTH --

AN AGENCY IN TRANSITION

*AN ISSUE PAPER

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Frederick D. Bedell

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

CG 014516

Peter B. Edelman
Director

Philip Gartenberg
Executive Deputy Director

Thomas Mullen
Deputy Director for
Rehabilitative Services

Prepared by:

Frederick D. Bedell
Associate Deputy Director for
Rehabilitative Services

November 1978
Albany, New York

*In-House Document

Acknowledgements

The writer wishes to acknowledge all of the people who assisted in the development of this document. This paper is in actuality a compilation of reports, papers and data that were available within the Agency. Conversations with department heads and employees added to the substance of the paper. All those who participated are gratefully acknowledged.

Foreword

Thomas Mullen, Deputy Director for Rehabilitative Services of the New York State Division for Youth (DFY) recognized that DFY is an agency in transition. He, therefore, charged the Associate Deputy Director for Rehabilitative Services with the responsibility of preparing an issue paper that focuses on Juvenile Justice vs. Child Care.

The Committee on Mental Health Services Inside and Outside the Family Court in New York City prepared a report in 1970, entitled Juvenile Justice Confounded: Pretensions and Realities of Treatment Services. The writer of this paper found that many of the problems noted in 1970 still exist today.

This paper attempts to place the agency in perspective from its inception as a Youth Service Commission in 1945 up to the present - 1978.

A human service agency in many ways is like any business enterprise. It is affected by community values, legislative mandates and it exists within a dynamic society that is constantly changing. Therefore, DFY must re-assess its role as a human service agency that provides services for troubled youth. The agency must re-formulate its root strategy and its mission in response to present day demands. This paper will undoubtedly raise more questions than it answers. Therefore, its purpose is to get people to think and plan within the context of the environment that faces Juvenile Justice and Child Care Agencies.

Frederick D. Bedell
November 1978

TABLE OF CONTENTS

Page

Acknowledgements

Foreword

Table of Contents

I. Historical Perspective 1
Evolution of Rehabilitative Services

II. Legal Framework 7

A. The Courts 7
B. Other Supreme Court Decisions 10
C. Recent New York Legislation 11
D. Classified Cases and JJRA 13
E. Transfer Board and Fenner Stipulation 13
F. 1978 Legislation 15

III. DFY Clientele 17

A. Juvenile Arrest Data 19

1. General Arrest Data 19
2. Violent Arrest Data 20
3. Female Arrest Data 20
4. Summary 21

B. Summary and Highlights of 1977 22
Intake Activity for 1977
C. Reduction in Placement of Voluntaries 23
D. Increase in Proportion of Delinquents
from Referral to Placement 23

IV. Community-Based Programming 27

A. Nature of the Problem 32
B. Evaluating Community-Based Programming 32

1. Intervention Theory 32
2. Operationalization 34
3. Objectives and Goals 36

V. Directions of the Division for Youth
Rehabilitative Program 40

1. Regionalization 41

a. Coordinated Service Delivery System 46
b. Assessment of Regional Needs and Resources 48
c. Evaluation of Regional Programs 49
d. Coordination with Total DFY System 49

(continued next page)

Page

VI. Concluding Statements 51

A. DFY - Juvenile Justice or Child Care 51
B. Toward a Unified System of Juvenile Justice and Child Care 56

Notes 66

References 67

I. HISTORICAL PERSPECTIVE - The Evolution of Rehabilitative Services

Since the establishment as the Temporary State Youth Commission in 1945, with responsibilities in the area of providing technical and financial support to youth programs in communities across the State, the Division for Youth has evolved into an umbrella agency providing a wide range of programs and services for all young people. Chapter 881 of the Laws of 1960 created a new program aimed at juvenile delinquency and youth problems. One important aspect of this program was the creation of a Division for Youth in the Executive Department.

Legislation enacted in 1971 transferred, effective July 1, 1971, the State Training School System from the Department of Social Services to the Division for Youth. This transfer reflected the State's decision to consolidate all youth-related activities into a single agency to provide maximum coordination of the State's responsibilities for youth programs.

The New York State Training School System had at the time (1971) twelve training schools that provided care and treatment for children placed or committed as delinquent or as PINS.* The training school system grew out of a need for more institutional care by local communities throughout the State. Four of the nine institutions that served New York City were established by statute, were run by superintendents and had a Board of Visitors (appointed by the Governor) and were charged with the responsibility to report regularly on the condition of the schools. The remaining five were established as annexes to the schools, rather than by statute. The schools at that time were Amenia, Brookwood, Goshen,

*Persons in Need of Supervision

Highland, Hudson, Otisville, Overbrook, South Kortright and Warwick, Tryon, Industry and New Hampton.

Prior to the transfer, the Division was responsible only for youths in the age group 15 through 17, who were admitted to residential facilities at the discretion of the Division. Thus, the Division's major new responsibilities included the rehabilitation of all youth adjudicated as juvenile delinquents or persons in need of supervision between the ages of 7 and 17, who were placed or committed to the agency by the Family Courts.

The new program of the Division for Youth was conceived in the light of the multitude of other institutional resources in New York State provided by the Departments of Social Welfare, Mental Hygiene and Corrections and by many private agencies. The services of the Division were established so as not to duplicate, overlap or compete with these programs. The institutional program of the Division for Youth was designed to provide the State with a flexible, aggressive, experimental set of resources to demonstrate and evaluate new techniques in the area of youth service and delinquency prevention.

The Laws of 1960 (Chapter 880) also provided for:

> the establishment of Youth Opportunity and Youth Rehabilitation Centers for the care, treatment, education, rehabilitation and guidance of youth who have reached the age of fifteen years but have not reached the age of eighteen years and whose behavior indicates they will benefit from the programs offered at such centers.

Youth could be enrolled in an Opportunity Center without a court procedure but upon written consent of a duly authorized agency as well as parental consent via a voluntary referral process. Youth could be referred to the Rehabilitation Center phase through Courts pending final disposition of their cases or as a condition of probation following adjudication. There were four proposed types of programs within the Opportunity and Rehabilitation phases: the Youth Division Camp Program, the Short Term Adolescent Residential Treatment Program (START), the Youth Division Home Program and the Reporting and Aftercare program.

The year 1973 proved to be significant in the areas of legislative reform and legal action taken against DFY. Effective July, 1973, the Executive Law of the State of New York provided for the designation of all DFY facilities into two types, Title II or Title III. Title II facilities were those types of programs that the agency had operationalized prior to the merger and were non-institutional and/or community-oriented in nature (Camps, STARTS, Group Homes and Youth Development Centers). Title III became the designation for the training schools and centers previously under DSS jurisdiction. This further had an impact on the potential placement for a youngster. A Title III

PINS or JD designation could conceivably be placed in either a Title III or Title II facility but a Title II PINS or JD designation could only be placed in a Title II program.

A legal action was taken against DFY in the form of a State Court of Appeals ruling (In re Ellery C.), which prohibited the commingling of institutionalized Title III PINS and JD youth. This ruling necessitated the designation of the Hudson, Highland and Tryon Schools as PINS facilities and Warwick and Industry as JD facilities.

PINS deinstitutionalization gained momentum as a new administration came to the agency. Emphasis was placed on the creation of community-based alternative programs, an increase in the use of private and voluntary agencies, the development of program options made possible by the Alternatives Grant from LEAA. All of this was highlighted by the ever-increasing need to provide secure placements within the agency for the Title III JDs and designated felons with restrictive placements.

With the aforementioned as background data, if one were to summarize the function of the Division for Youth, the following description would probably be an accurate assessment:

Part of the Executive Branch of State Government, the Division for Youth today has responsibility in the areas of youth rehabilitation, youth development and delinquency prevention, relationships to voluntary child-caring agencies, youth detention services, foster care, community involvement and community education.

The Division for Youth provides a broad range of residential and non-residential youth rehabilitation programs for youths mainly between the ages of 12-17 who are in need of supportive services and innovative intervention, including formative and constructive living experiences, education and basic employment orientation, and professional treatment and counseling services.

Boys and girls in - or on the brink of - trouble come under the care of the Division in the following ways:

1. through placement by the Family Courts after adjudication as a "Person in Need of Supervision (PINS)" or as a "juvenile delinquent;"
2. upon referral by the Family Courts and the adolescent sections of adult courts as a condition of probation; or
3. voluntarily upon referral by duly authorized public or private agencies.

Settings in which these youths are placed by the Division range from family foster care and small 7-bed urban homes to the larger self-contained schools at Industry and Tryon and locked facilities like Goshen and Brookwood. With varying program emphasis for each type of facility, each designed to best serve particular categories of young people, the Division is able to provide appropriate intervention services to all young people who come into its care.

The second major area of Division for Youth activity is the Youth Development/Delinquency Prevention Program which makes available some $17.5 million in State aid for the development and

expansion of a wide range of locally administered youth recreation and youth service programs. In 1976, some 1,262 municipalities offered youth programs in conjunction with the Division for Youth. The Division also regulates and reimburses for juvenile detention services at the local level, and reimburses for care of juvenile delinquent and PINS children by voluntary agencies.

With this background data, the evaluation of DFY as a Youth Service Agency is placed in perspective. We must now examine the external forces that have had an impact on the policies and program directions of the Agency. In particular, let us look at the effect of juvenile laws on the direction(s) of DFY.

II. LEGAL FRAMEWORK

A. THE COURTS[1]

"The first Juvenile Court in the United States was set up in Illinois in 1899; until that time, children of all ages were sent to courts and jails with adults. The reformers of that period were concerned about the effects on children of being treated like adults and being jailed with adult criminals. They felt that children should receive special treatment -- that special courts should be established to act in the best interests of the child; this doctrine, commonly referred to as parens patriae, maintained that a kindly and wise judge, rather than trying to determine guilt and punishment, should act as a kind of substitute parent, should take the child's age and inexperience into consideration, and should then set up a program for the child that would be in his best interests.

"In the juvenile court, there would be no need for lawyers, as the judge himself would be acting for the child. Hearings would be private and informal, records would be confidential; children would be treated not as criminals, but as 'wayward children'. The object of the court proceedings would be to investigate, determine the problem and prescribe a suitable course of treatment for the child.

"In 1964, Gerald Gault, a 15-year old boy in Arizona, was picked up by the County Sheriff. A neighbor of Gerald's had called the police and told them that Gerald had made an obscene phone call to her. Gerald was picked up at about 10 a.m. when both his parents were at work. No notice was left for his parents as to his whereabouts, and no efforts were made to inform them later on that he had been, in effect, arrested. Gerald was taken to the Children's Detention Home where his mother finally located him at about 6 p. m. She was told that Gerald should appear at a hearing the following day. A petition was filed by a probation officer, accusing Gerald of being a delinquent minor, but not explaining why. The family was not shown the petition.

"At that hearing, the neighbor did not appear. Gerald had no attorney. No transcript was made of the hearing, and there was, subsequently, conflicting testimony as to whether Gerald admitted having made the phone call. The judge said he would 'think about it' and scheduled a second hearing for the following week. Gerald was sent back to the Detention Home.

"At the conclusion of a second, similar hearing, Gerald was committed to the State Industrial School as a juvenile delinquent 'for the period of his minority (that is, for six years until he was 21), unless sooner discharged by due process of law'. If Gerald had been 18, and if he had been found guilty under the Arizona Criminal Code of making the obscene phone call, he could have received a fine of $5 to $50 or been imprisoned for not more than two months.

"Arizona law does not permit an appeal in juvenile cases, so Gerald's family filed a petition for a writ of habeas corpus with the Supreme Court of Arizona. At the hearing which followed, the Juvenile Court judge who had committed Gerald testified that he had done so because Gerald was a delinquent who was 'habitually involved in immoral matters'.

> "Asked about the basis for (this conclusion), the judge testified, somewhat vaguely, that two years earlier, on July 2, 1962, a 'referral' was made concerning Gerald, 'where the boy had stolen a baseball glove from another boy and lied to the Police Department about it'. The judge said there was 'no hearing', and 'no accusation' relating to this incident, 'because of lack of material foundation'. But it seems to have remained in his mind as a relevant factor. The judge also testified that Gerald had admitted making other nuisance phone calls in the past which, as the judge recalled the boy's testimony, were silly calls, or funny calls, or something like that.

The Supreme Court of Arizona dismissed the writ, and the case was then taken to the United States Supreme Court which, in a landmark decision, gave Gerald his freedom.

"In 1967, the Supreme Court ruled in the Gault case that a juvenile was entitled to:

1. Notice of the charges
2. Right to counsel
3. Right to confrontation and cross-examination of witnesses, and,
4. Privilege against self-incrimination

"With this ruling, the Supreme Court in effect restored to children some of the provisions of the Bill of Rights that had been traded away for the protection of the 'wise and kindly judge'."

B. Other Supreme Court Decisions

In 1966, the Supreme Court, which had made no previous rulings concerning the juvenile courts, ruled in Kent v. United States that "the basic requirements of due process and fairness" must be met in juvenile proceedings. Justice Fortas, speaking for the majority, said:

> "There is evidence...that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children".

In the Winship case, in 1970, the Supreme Court ruled that children have the right to have their delinquency proved "beyond a reasonable doubt", rather than "on a preponderance of the evidence". However, it had thus far failed to establish any minimum guidelines in regard to the right to care or treatment of children deprived of their freedom. While explicitly excluding from the compass of its decision both pre- and post-adjudicatory procedures, the Supreme Court in Gault referred to lower court cases indicating "that appropriate treatment is essential to the validity of juvenile custody". Still, the question of appropriate treatment was left for another day with only warning notes of dicta.

The New York Family Court Act[(2)] goes further. It clearly sets forth its purpose concerning children alleged to be delinquent or persons in need of supervision as twofold:

> The purpose of this article is to provide a due process of law (a) for considering a claim that a person is a juvenile delinquent or a person in need of supervision and (b) for devising an appropriate order of disposition for any person adjudged a juvenile delinquent or in need of supervision.

The New York Act thus mandates two co-equal purposes; procedural due process and appropriate disposition. In subsequent sections, "dispositional hearing" is defined as a hearing to determine whether a child found to be delinquent "requires supervision, treatment, or confinement" and whether a child found to be in need of supervision "requires supervision or treatment". Thus there is a legislative mandate that where treatment is necessary, it shall be provided for delinquents. In regard to persons found to be in need of supervision, the deprivation of freedom is authorized only if placement provides treatment.

Requirements for procedural due process were spelled out in the Family Court Act. In contrast, those sections of the Act directed to the implementation of requirements for making appropriate dispositional orders were not spelled out and were limited. In addition to requiring a probation service in each county, the Act provided only that "the Family Court in any county shall have such other auxiliary services as will serve the purposes of this act and as are within its authorized appropriations".

The Family Court was also authorized to seek the cooperation of all public and private agencies in order "to give the children within its jurisdiction such care, protection and assistance as will best enhance their welfare". Authorization without power to secure cooperation has confronted the Court with the major obstacle to making appropriate orders of disposition as mandated by the Act.

C. Recent New York Legislation

In 1976, the State Legislature enacted the Juvenile Justice Reform Act (JJRA) as an alternative means of handling youth

fourteen or fifteen years of age at the time of commission of more serious offenses. Offenses defined in the Act have been termed "designated felonies" and youths adjudicated for them may be given "restrictive placement" in DFY settings for three or five years, depending on the specific offense committed.

The Act specifies the court procedures which apply in such instances; mandates the DFY to prepare a master plan to implement the act; defines the term "secure facility" and implies that the DFY designate secure facilities for the purposes of the JJRA; specifies the services to be provided in such facilities; mandates the development of regulations governing secure facilities, restrictive placement of juveniles, and the hearing that will take place when a youth is placed in or transferred to a secure facility; requires the establishment of a committee to review plans for the care, treatment, services and supervision of each youth under restrictive placement; mandates the DFY to report to the court on the status, adjustment and progress of each youth under such placement at six-month intervals, and requires the Division to provide intensive supervision of such youths whenever they are not in a secure or residential DFY facility.

DFY developed and filed a master plan as required. Implementation details were spelled out in an amended Classified and Restrictive Cases procedure designed to regulate the treatment of youths given restrictive placements by judges of the Family Court under JJRA and those who have committed designated felonies but who have been placed with the DFY for 18 months. The JJRA of 1976 became effective February 1, 1977.

D. Classified Cases and JJRA

DFY's Classified Cases procedure was promulgated in May, 1976. It superceded the Sensitive Case procedure which had been established earlier for youths who were 15 and under at the time of commission of more serious offenses. It was in turn amended after the JJRA was enacted.

The categorization of certain youths as Classified Cases recognizes the fact that youths who have committed certain serious offenses require special consideration for the following reasons:

1. they may represent a very real danger to the community;
2. there may be strong negative community attitudes concerning their past offense(s); and
3. their own needs may require a program of special care involving more intensive supervision and treatment and a longer length of stay.

The procedure involves identification of offenses for which youths would be classified, steps required to classify the youth, facilities to which such youths could be assigned, required length of stay, nature of supervision to be provided, schedule of home visits, required counseling services, release procedures, and bases upon which such youths may be declassified.

E. Transfer Board and Fenner Stipulation

The Transfer Board, established in 1973, continued to function during 1976. A major change occurred in its function that year with the application of the Fenner Hearing procedure to Industry and Tryon Schools, so denominated because it stemmed from litigation brought against DFY in case bearing the name of Fenner. As currently applied, the Fenner Stipulation provides a set of rules governing the transfer of Title III juvenile delinquents from DFY Title III and certain Title II facilities to Title III secure centers.

The rules specify that a child may be transferred to a secure center when:

1. The child has been shown to be exceptionally dangerous to himself or to others during placement with DFY;

2. The child has demonstrated by a pattern of behavior while with DFY that a more structured setting is needed;

3. A child is in need of protection from other children.

The rules further outline the procedure to be followed in each transfer situation and the responsibilities of the Hearing Officer. During 1976, 41 Fenner Hearings were held with 32 transfers approved.

The application of the Fenner Hearing to transfer situations altered the role of the Transfer Board. Although the Transfer Board regulations were originally designed for youths being transferred from an open facility to a secure center, that matter now became the role of the Fenner process and the Board came to be dealing primarily with requests for youths to be placed in secure facilities directly from court and for those who were being returned under release revocation procedures. Criteria for these secure placements included the following:

1. The child constitutes a serious and evident danger to himself and to others to such an extent that his health and safety cannot be protected in an open program and the secure center is the only alternative;

2. The child cannot be treated or rehabilitated in an open setting due to these circumstances:

   a. the treatment resources at the open facility are inadequate for that particular child and the secure center is the only alternative.

b. the child is aggressive and has established a pattern of absconding. This, together with other problems with which the facility cannot adequately cope has rendered that youngster unreceptive and unavailable for treatment. Weak, passive children who abscond should be considered for transfer to other open programs, if necessary.

During 1976, 64 cases were reviewed by the Transfer Board. Fifty were approved, nine denied, and five requests were withdrawn.

F. 1978 Legislation

Two major Juvenile Justice laws were enacted in the regular and special 1978 legislative sessions, first, a new "Juvenile Offender" classification is created to provide for the processing of certain juveniles, from ages 13 through 15 in the adult courts where the commission of a violent felony act is alleged. The proceedings can be transferred back to the Family Court, but if the matter proceeds all the way to sentencing in the adult court, these juveniles will be sentenced as provided in the new law, and will be initially placed with the Division in a secure facility. Amendments to the Juvenile Justice Reform Act of 1976 were also enacted as the Juvenile Justice Reform Amendment of 1978. These amendments broaden the definition of Designated Felony Act to cover 13 year olds who are charged with certain serious offenses, such as murder, first degree arson, first degree rape, and provide Designated Felony Act coverage for certain repeat offenders. In addition, for the first time, the Family Court is authorized to provide the Division with the option to make a direct placement to a secure facility.

In addition to the above two major pieces, other legislation has been enacted to restrict home visits, automatically extend

time for placement of AWOLS, prohibit waiver of counsel by a youth charged as a PINS or J.D., and to prohibit the confinement of PINS children in secure detention in counties where the Division certifies the availability of adequate non-secure detention.

III. DIVISION FOR YOUTH CLIENTELE

New York State has relied on a network of private and voluntary agencies to provide care for a large number of children away from their homes. Children found to be delinquent, neglected, in need of supervision, and/or voluntary services were placed into the child care systems via a variety of referral sources. The largest number of youths placed with the Division fall into the Juvenile Delinquency (JD) and Person(s) in Need of Supervision (PINS) categories. A Juvenile Delinquent is a child between the ages of seven and sixteen who is found to have committed an act that is a crime when committed by an adult. A Person in Need of Supervision is a boy or girl under the age of sixteen found to be incorrigible, out of control of lawful authority or a habitual truant.

A survey conducted by the Committee on Mental Health Services Inside and Outside the Family Court in New York City, 1972[(2)] indicated that the inadequacy of treatment services in New York State hits hardest at poor children coming from broken families and at a disproportionate number of non-white children. The contributing causes to delinquency have been cited in many references culled from the literature in the field. If one were to look at one major cause or factor, this writer would have to cite poverty. The individual response to the lack of opportunity, disrupted family life, ineffective schools, a demeaning welfare system, and the lack of jobs produces the hopelessness of the youths in the Juvenile Justice System. The largest percentage of DFY youth come from urban areas. The deterioration of the cities

is excerbated by what Vernon Jordan [3] describes as the new negativism, making the situation more hopeless if that is possible. Jordan describes the new negativism as anti-social in nature, suffocating the hopes of poor people and minorities. The new negativism surfaces around key issues like taxes, inflation, affirmative action and urban aid. Jordan says that it is a reactionary counter-revolution against positive social change. Today's youth growing up in this anti-social climate exemplify feelings of passivity, rage, worthlessness, and futility which render the individual less capable of taking advantage of the meager opportunities that are available. The end result is crime.

The Child Care System parallels the public school system in urban areas in that the affluent (people with resources), the ethnic majority, have options to educate their children outside of the public system. Wider use is made of private and parochial schools. The public system must absorb the less-affluent and minorities. So it is with the Child Care and Juvenile Justice system -- the public agencies have to provide services for disparate numbers of minority youth.

Dr. Jerome Miller, former Commissioner of Youth Services for the State of Massachusetts elevates the issue of private vs. public care to the socio-political realm. Public institutions have always been reserved for the poor and the poor have no other option.

A. Juvenile Arrest Data*

1. General Arrest Data

Juvenile arrest data for 1976, when compared to available 1975 data as well as 1975-76 data on arrest figures for the 16-24 year olds, show the following:

For all offenses, when grouped, arrests increased for the juvenile (15 years and younger) population by 20.6 percent over 1975; increased by 14.5 percent for the 16-19 year old group; and increased by 24.6 percent of the 20-24 year old population in 1976 over 1975.

For violent offenses (i.e., murder, negligent manslaughter, forcible rape, robbery, aggravated assault, and arson), juvenile arrests decreased by 12.08 percent in 1976 over 1975 arrests; decreased by .46 percent for the 16-19 year old group and decreased by 6.90 percent for the 20-24 year old population during 1976 over 1975 arrests.

For UCR Part I offenses (i.e., murder, negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, theft and motor vehicle theft) juvenile arrests increased by 1.45 percent in 1976 over 1975; increased by 1.75 percent for the 16-19 year old population and by 1.12 percent for the 20-24 year old group in 1976 over 1975.

*State data

2. Violent Arrest Data

Arrest rates per 1,000 population for violent offenses during 1976 increased as age increased for the juvenile population reaching its peak among 15-year olds. The rate continued to rise with the 16 and 17 year old population and began dropping from 18 years on through the 24 year old group. The 16-19 age category, though, showed the highest rates followed by the 15 year old group.

Juvenile arrests for violent offenses totaled 8,305* during 1976 and represented 7.30 percent of arrests for all offenses within that population. The arrests total for violent offenses within the 16-19 year old group was 13,288* representing 9.11 percent of arrests for all offenses within that group and the 20-24 year old group had a total of 10,780* violent offense arrests which comprised 6.41 percent of all arrests within that group. The total violent offense arrests for those 24 year olds and under was 32,373 with juvenile arrests comprising 25.65 percent; the 16-19 year old comprising 41.05 percent; and the 20-24 year old comprising 33.30 percent of those arrests.

3. Female Arrest Data

The arrests data show that arrests of females for violent offenses have decreased in 1976 over 1975 for all ages, with the exception of the 23-year old category which shows a less than three percent increase. The greatest decrease for violent

---

*Violent offense totals include arrest figures for arson.

offense arrests among females was in the juvenile category (15 and under). Yet, when all offenses were taken as a whole, the female distribution showed slight increases in 1976 as age increased with the greatest increase among 15-year olds and declining thereafter, with substantial decreases in arrests from age 19 through 24.

The male distribution, on the other hand, generally increased in 1976 over 1975 as age increased with the greatest increases in the 20-24 year old group for all offenses. The juvenile male population distribution showed increase in arrests as age increased, peaking at age 15. The 16-19 year old group showed less increases than the 15-year old category and was greater from age 19 through 24. For violent offenses, the juvenile male population distribution showed decreases in 1976 over 1975. The 16-19 year old group showed slight increases in 1976 for violent offense arrests and the 19-24 age grouping showed decreases in 1976 when compared to arrest figures for 1975.

4. Summary

In general, although arrest data show increases among the 24-year old and under, arrests for violent offenses have decreased in 1976 over 1975. The greatest decrease in violent offense arrests occurred within the juvenile population (age 15 and under) when compared with the rest of the population. Arrest figures for females in the juvenile population showed substantial decreases in violent offense arrests. Yet, arrests for all other non-violent offenses showed marked increases as a whole.

B. SUMMARY AND HIGHLIGHTS OF 1977 INTAKE ACTIVITY FOR 1977 (4)

In 1977, the Division for Youth handled the following cases at various stages of intake (see Chart I):

Fall-Off in placement of voluntary cases

Voluntary cases constituted 35 percent of cases referred, 27 percent of cases admitted to DFY services, and 19 percent of cases placed in residential facilities.

Increase in proportion of delinquents and PINS

Juvenile delinquents made up 37 percent of the cases referred, 43 percent of those admitted to DFY services, and 49 percent of cases placed in facilities. PINS cases similarly increase in proportion from referral to placement, although at a more modest rate from 18 percent at referral to 20 percent at placement.

Youthful Offenders remain fairly constant at five percent of the referrals and six percent of placements.

Other cases -- usually those pending final court disposition -- hold steady at five percent throughout referral, admission and placement. Most of these "other" cases will have been subsequently adjudicated PINS or delinquents.

Regional Variations in Referral, Admission and Placement Patterns. (See Table I)

C. Reduction in placement of voluntaries

The fall-off in voluntary cases from referral to placement, with a concomitant increase in the proportion of JDs from referral to placement, generally holds across the regions, but certain patterns are sharpened among Regions I and IV. Specifically, with respect to voluntary cases, Region I received 46 percent of its referrals in this category, while voluntary cases had fallen to 24 percent among Region I placements. Region IV received 34 percent of its referrals in the voluntary category and, among cases placed, only 17 percent were voluntary.

D. Increase in proportion of delinquents from referral to placement

All regions experienced a proportionate increase in delinquents from referral through placement, but Regions I and IV had the sharpest proportionate increases. In Region I, delinquents constituted 26 percent of cases referred and 37 percent of cases placed in residential facilities.

In Region IV, delinquents increased from 46 percent of the referrals to 63 percent of the placements.

Region II followed closely in proportionate gains in delinquent placements, with 35 percent at the referral stage and 42 percent at placement. Region III went from 38 percent delinquents among cases referred to a slight increase of 42 percent among placements.

TABLE I

NEW YORK STATE DIVISION FOR YOUTH
PERCENTAGE OF SELECTED ADJUDICATION TYPES
IN THE REFERRAL-ADMISSION-PLACEMENT PHASES
1977

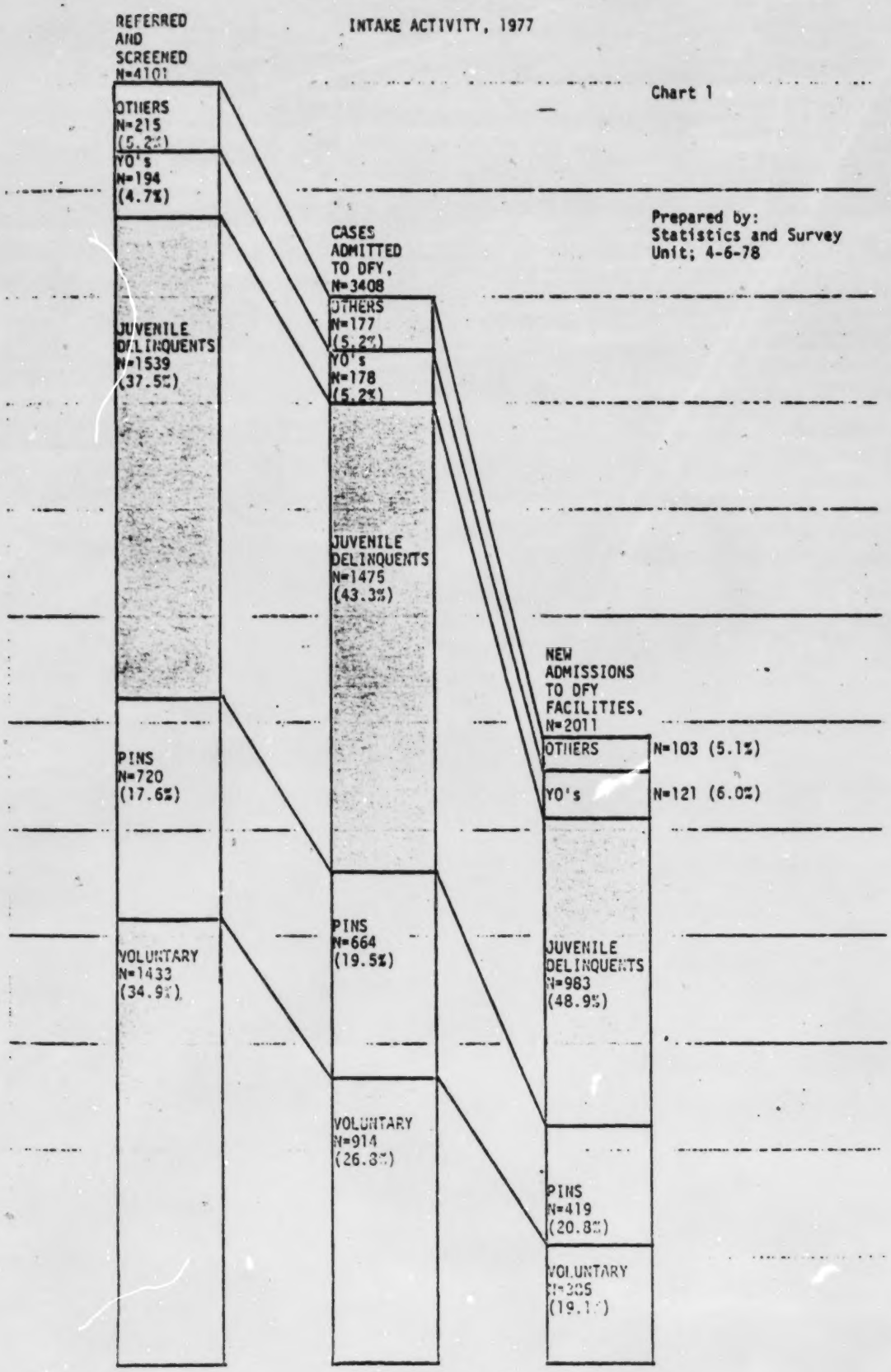
	VOLUNTARY			PINS			JDs		
REGION	REFERRAL	ADMISSION	PLACED	REFERRAL	ADMISSION	PLACED	REFERRAL	ADMISSION	PLACED
I	46.2	39.5	24.3	17.6	19.4	24.5	26.2	30.0	36.7
II	27.7	20.9	18.3	24.1	25.6	26.6	34.7	39.9	41.6
III	21.7	15.2	17.5	25.4	26.9	25.2	38.4	42.6	41.6
IV	34.4	24.3	16.8	12.5	14.5	13.8	46.0	54.1	63.5
STATEWIDE	34.9	26.8	19.1	17.6	19.5	20.8	37.5	43.3	48.9
TOTALS	164.9	126.7	96.0	97.2	105.9	110.9	182.8	209.9	232.3

NEW YORK STATE DIVISION FOR YOUTH

INTAKE ACTIVITY, 1977

Chart 1

Prepared by:
Statistics and Survey
Unit; 4-6-78



Adjudication Background by Region

Admission data for 1977 indicate that New York City sent 643 cases to DFY facilities, constituting 32 per cent of the toal of 2021 cases received Statewide that year. Of the 643 cases, 64 per cent were juvenile delinquents or restrictive placements. New York City accounted for 39 per cent of all juvenile delinquents admitted that year to DFY as well as 71 per cent of the restrictive placements.

Urban areas contributed a higher proportion of delinquents than did rural areas. In addition, an analysis of the offense background of these delinquents demonstrated that those from urban areas had more serious offenses and these were more likely to be of a violent nature.

Ethnic Background

On May 31, 1978 -- a date chosen because it is generally free from seasonal or holiday variations -- the ethnic pattern of cases in the different DFY facilities and services was as follows:

Program Type	White No.	White %	Black No.	Black %	Spanish Surname No.	Spanish Surname %	Other No.	Other %	TOTAL No.	TOTAL %
Camps	100	37.9	116	43.9	30	11.4	18	6.8	264	100.
Schools and Centers	184	42.7	194	45.0	32	7.4	21	4.9	431	100.
Urban Homes	150	55.3	84	31.0	15	5.5	22	8.1	271	100.
LTTU	3	23.1	4	30.8	5	38.5	1	7.6	13	100.
START Centers	30	28.0	49	45.8	18	16.8	10	9.3	107	100.
Cooperative Placements	94	57.7	42	25.8	9	5.5	18	11.0	163	100.
Youth Development Centers	12	9.0	92	69.2	20	15.0	9	6.8	133	100.
Alternative Residential	41	59.4	24	31.6	9	11.8	2	2.6	76	100.
Foster Care	169	45.5	141	38.0	30	8.1	31	8.4	371	100.
TOTAL RESIDENTIAL	783	42.8	746	40.8	168	9.2	132	7.2	1829	100.
Aftercare	955	28.7	1606	48.3	513	15.4	254	7.6	3328	100.
TOTAL DFY	1738	33.7	2352	45.6	681	13.2	386	7.5	5157	100.

The table above demonstrates thatethnic patterns differ among the many types of DFY services and facilities. These differences suggest either a need for specialized programming or -- and not exclusively -- a need for placement decisions to be based in part on considerations relating to the maintenance of ethnic balances among the clientele.

IV. COMMUNITY BASED PROGRAMMING

The Division's commitment to youth who could be served in programs in or near their homes was reflected in the Division's efforts to establish Community-Based Programs* that would provide a continuum of service delivery. The essential structural element in placing youth in the most appropriate program available was the Youth Service Team Concept.

The establishment of Youth Service Teams afforded each youngster the advantage of a consultant relationship with a single qualified individual who had a comprehensive understanding of his or her personal situation and its needs. The individual, in turn, could rely on the collective support of the rest of the Team, with its varied strengths and experience.

Each team member, in consultation with other Youth Service Team members, and other appropriate staff, is responsible for initial evaluation of the youth's individual needs, prescribing a course of service and periodically evaluating the youth's progress within the system. Every youth entering the care of the Division for Youth, whether by referral or court placement, received a comprehensive evaluation of his/her social educational, psychological and medical needs before programming is initiated.

*It should be re-emphasized that while the Division was developing Community-Based Programs, it was also expanding its secure facility capacity for violent offenders.

Regardless of the merits of appropriate placements of youth in community-based programs, community resistance is more apparent than community acceptance.

The community has rights too. An article, entitled "Youth Crime" - Time Magazine, 1977[5], which is written as a reflection of the public's perception about youth crime, stated - "Youthful criminals prey on the most defenseless victims - the very young, the old, the lame and the sick. People who live in high risk areas do not go out at night. They live behind locked doors. Crime is decimating communities. Businesses are affected by the deterioration of neighborhoods. People stay away from 'downtown' in blighted urban areas because of the possibility of being 'ripped off'." Certainly nobody wins in this situation. The community reacts - "lock em up". Put your prisons there but not here. Do something - anything. Just get the troublemaker out of here. Where do we house our human problems - in institutions? - in community programs? A Harvard Study on recidivism[6] published findings that most offenders do no worse in community-based programs than in institution programs and no treatment model can claim to be effective with all offenders.

No matter where an institution is located, which can be the most rural area or in the middle of a neighborhood, that facility makes an impact on the surrounding community. No program can function in isolation. It must draw its resources from somewhere (staff, services, etc.) and that is usually the locality where it is located.

Agencies have attempted to accommodate clients in a variety of settings that would offer a continuum of services. The majority of programs offered usually fall into two categories - Institutional Programs and Community-Based Programs. *Robert B. Coates, in an article written on Community-Based Correction, 1976[7] notes several dimensions that discriminate between community-based and institution-based programs which he lists as location, level of control, public vs. private administration and the range of services. He defines community as "the smallest local territory that incorporates a network of relationships providing most of the goods and services required by persons living within the boundaries of the territory. These services include schools, employment, food distribution, banks, churches and sanitation services". The words "community-based" connotate linkages between programs and the community. The more a program involves the client in community activities that are supportive to the program, the more it is community-based. If clients come from outside the community, the

background of the clients must be considered in relationship to the community and to the community where the client will return.

Community-based programs were promulgated and sold on several assumptions. Theoretically, community based programs are more humane, and less costly than their institution-based counterparts. Community based programs are supposed to be in a better position to provide a reentry avenue for clients into the community because of the clients' activities within the community. Various agencies have also made commitments to communities as they indicated that programs developed in particular communities would serve those communities. By marshalling a community's resources and providing additional aid, a community should be better able to handle and deal with its own problems. Promises and commitments have been broken by state agencies. Facilities designed for one population end up serving an entirely different population. Often the community is given an entire set of new problems and at the same time it is also left with the old problems which the community based program was supposed to resolve and/or minimize in the first instance. Communities are skeptical about establishing programs and are balking at any attempts by state agencies to establish them.

Community-based corrections or institution-based corrections - that is the question. Whichever program title we attach to a facility, the base line is what does it do for the client and society? In order to deter the offender, the following correctional strategies should be assessed:

Punishment - Punishment should be meted out quickly and one end result will be to make a criminal career too costly.

Incapacitation - Protects society by removing the offender.

Rehabilitation - Rehabilitation is based on the premise that something is wrong with the offender and he can be helped by matching his problems to a treatment modality.

Re-integration - Offenders get into trouble because of situational factors. The strategy is to assist the offender to cope with stresses in his/her environment.

Advocacy - Agencies, institutions are encouraged to develop resources to assist the client to cope with his environment. More stress is placed on the community to change rather than the client.

From our research, it is apparent that no service model or program categorization can claim to be effective with all offenders. There is a need for a variety of service strategies for different types of offenders. Communities have the right to be protected from the offender. Agencies with the responsibility to provide services for the offender must recognize that right.

The Division for Youth developed a wide variety of community programs through the assistance of two federal grants from the Division of Criminal Justice Services (DCJS). The Division made a commitment to DCJS to provide an evaluation of its community based programs that addresses the question of "effectiveness" and "efficiency". To accomplish the evaluation of community based programs, a research unit was developed and titled Community Program Evaluation Unit (CPEU). The following section is taken from a summary of a document of the Community Program Evaluation Implementation Plan,[8] which places the regionalization of the Agency in perspective as to its efforts to provide a continuum of services for its clients.

A. NATURE OF THE PROBLEM

Many new directions in delinquency programming have been endorsed by theoreticians and practitioners in the last decade, including diversion, minization of penetration, deinstitutionalization, community-based programming, differential treatment, and more. Unfortunately, the problem of extensive program development without the benefit of careful conceptualization of theory, practice and goals has continued to plague federal and state agencies. These benefits would flow from the integration of evaluation research in the planning process. Because this evaluation project begins at the post-program development stage, the initial task of the evaluation must be to determine the theoretical bases of DFY's community-based programming. From these bases can be developed the standards on which to evaluate DFY's efforts.

B. EVALUATING COMMUNITY-BASED PROGRAMMING

1. Intervention Theory

DFY intervenes in the lives of youngsters by means of its programs. The theoretical assumptions underlying Division program development can most aptly be considered parts of the theories of community-based intervention and differential treatment. The Division endorses the philosophy of community-based programming as more humane, more relevant to youngsters, more cost-effective and more facilitating of re-integration of youngsters into their community. While still conceptually undeveloped, community-based intervention as a theory of delinquency intervention encompasses several basic assumptions:

1. That the handling of youngsters in, or near their home communities, reduces the likelihood of detachment from conventional reference points (family, school, friends, etc.), such detachment theorized by some to be related to delinquent behavior.
2. That the handling of youngsters in or near their home communities enhances the likelihood of service delivery which is more relevant to youngsters, since it occurs within the geographic parameters of the youngster's home territory, and is sensitive to the peculiarities, idiosyncracies and general atmosphere of that area.
3. That the handling of youngsters in, or near their home communities, facilitates gradual re-entry programming, thus permitting more sensitive and accurate appraisals of readiness for program adjustment.

The Division has also adopted much from the theory of differential treatment. Briefly summarized, this theory argues that:

1. Offenders are not all alike; that is, they differ from each other, not only in the form of their offense or behavior, but also in the reasons for and the meaning of the offense or behavior.

2. Given these differences, intervention effectiveness is dependent upon the delivery of services which are particularly relevant to different kinds of youngsters, and thus many kinds of services must be available.
3. The servicing of youngsters is therefore critically dependent upon the assessment of youngsters' needs at intake, supplemented with periodic reassessment, in order to assure the most effective matching of needs and services.

Both theories of community-based programming and differential treatment must be considered theories and not rigorously demonstrated facts of delinquency intervention. The Division's endorsement of these broad theories of intervention resulted in extensive program development which was based on these assumptions.

2. Operationalization

The key developments resulting from the adoption of community-based intervention philosophy were the creation of four geographic regions, and districts within regions, across the state. This organizational change permitted the subsequent development of intake, processing, and programming resources intra-regionally. Resources and services were not manipulated according to the specific characteristics of youngsters and communities within districts and regions, rather than according to the

state's aggregate characteristics. In addition, many new programs were begun in community settings, and placement types shifted from two-fifths to three-fifths community-based.

The assumptions of differential treatment theory resulted in two broad developments: 1) the creation of Youth Service Teams in communities across the State, with the tasks of assessing youngsters' needs at intake, monitoring those needs throughout the youngsters' contact with the Division, and facilitating continued delivery of service upon program completion; and 2) the operationalization of many different kinds of intervention programs in the community and in non-community settings. The two key components of differential theory were thus put in place: Power to assess the needs of each youngster coming to the Division, and the capacity to select among many different resources available.

Placement practices in the Division are guided by the assumptions that the least restrictive placement possible should be selected within the youngster's region (community-based intervention) and the most appropriate kind of service be delivered, again, as close to "home" as possible (differential treatment). These assumptions have guided program development in the Division toward what can be considered categories of objectives and long-term goals.

3. Objectives and Goals

Four categories of objectives are attached to all Division programming. Broadly stated, these objectives are:

1. The reduction of recidivism and/or problem behavior among youngsters serviced;
2. the enhancement of educational performance and skills among youngsters;
3. the enhancement of employability;
4. the improvement of self-esteem or self-image, and conventional identification.

The long-term goals which these four categories of objectives can be conceptualized as leading to are: 1) protection of the public, and 2) rehabilitation of youngsters. Measurement of these goals and assessment of goal attainment are never the subjects of short-term evaluation; nevertheless, intervention models are incomplete without their inclusion, since research designs must take their eventual examination into careful consideration.

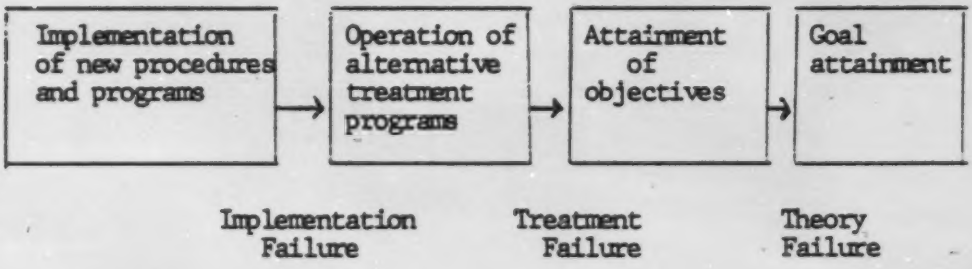
The assessment of effectiveness and efficiency of community-based programs represents an unusual opportunity for action-research with extensive researcher/planner/manager interaction, and thus an ideal occasion for contribution to general knowledge in the area of delinquency intervention, organizational change, and policy development in the Division.

A research design was developed around the following program definition: "To rehabilitate juvenile delinquent and status offenders and to protect the public by accomplishing certain treatment objectives through the restructuring of the procedures of, and treatments and services administered by the New York State Division for Youth".

A program model was devised which consisted of four components:

- The implementation of new procedures and treatments;
- The operation of the treatment programs;
- The attainment of treatment objectives, and
- The attainment of long-range goals.

A graphic illustration of the model is depicted as follows:



The scope of the evaluation included:

- <u>The placement of youth</u> - Who is referred to DFY and placed in what kind of program?
- <u>Implementation of community-based programs</u> - Is the system more accountable for service delivery as a result of coordinated staff efforts operating within a regional structure?

- Program innovations - (One example) - With the establishment of *Educational Coordinator positions will the educational levels of youth improve which will contribute to the attainment of short-range objectives.
- Program evaluation - What works, how well, for what kinds of youngsters, under what circumstances?
- DFY goal attainment
  . Protect community
  . Reduce recidivism
  . Rehabilitate youth

The Research and Evaluation Unit has collected its data for the initial phases of the research design. While their efforts focused on community-based programs in the target areas - Buffalo, Syracuse, the Capital District, and New York City, non-community based programs were also included in the study. Information on intake assessment data, program description data, staffing patterns, description of program elements was collected. Three data collection instruments were utilized in gathering information relevant to Phase I of the Research Project.

To measure social climate characteristics, the Research Unit used Rudolph H. Moos' Community-Oriented Program Environment Scale (COPES) and his Correctional Institution Environment Scale (CIES)

---

*A position created to provide supportive educational and counseling services to youth attending local schools.

for community-based and non-community based programs, respectively. A program milieu instrument was used in gathering youngsters' opinions and attitudes about certain program dimensions. The data has been captured and is being processed for reporting. When the report has been completed, the Division should have a data base to assess the "efficiency" and "effectiveness" of its community-based programs.

V. DIRECTIONS OF THE DIVISION FOR YOUTH

A. REHABILITATIVE PROGRAM

The administrative restructuring of the Division for Youth which began in 1976 reflected a need to shape a supportive system of quality service delivery for youth. Its conceptual roots lay in the focus of children's needs emphasized by the former director, Milton Luger, and elaborated by the current director, Peter Edelman. These needs were translated into the right to quality care and the right to as humanistic an experience within DFY programs as possible.

The administrative structure supporting these programs within the Rehabilitation Services branch of the total agency was characterized - prior to 1976 - by a network of program administrators and managers responsible for the direct supervision of all residential programs across the State. Placement and Counseling Services, a branch of Rehabilitative Services, was also administered statewide by a separate network of supervisory personnel and staff.

A critical problem for the agency was its inability to respond effectively to the diversity of needs among youth coming to DFY. DFY had a limited number of community-based and rural (camp) beds, while it had 775 training school beds available in eight separate facilities for youth adjudicated as either Title III PINS or JDs. There existed very little in the way of cooperative placements within the private and voluntary sector, and there were few resources available to establish diverse program models to address the very specific needs of youth with

particular problems.

The agency negotiated for and received two grants designed to enhance the program/service options available to youth. The Alternatives Grant and the Assessment Grant, both federally funded, increased DFY's capacity to program for those youth not appropriate for a training school setting, and created capability for quality assessment of each youth's needs. Implementation of these two grants commenced in early 1976.

The Division administration formulated a conceptual framework from which agency goals would emanate. These goals were based on the reality of fiscal circumstances that precluded massive, across-the-board additions for programming and services to youth, and on the clear need to revise the structure of supervisory assignments for senior staff. The division advocated a system that provided individual service planning for each youth who comes to DFY's attention.

1. Regionalization

The history of the Division for Youth is a history of change. From an agency originally charged with limited responsibility for assisting local communities with youth recreation and the problems of juvenile delinquency, DFY has emerged as the major agency in the state for dealing with "youth in trouble".

The addendum to the Division's 1976-77 Budget Request indicated that the new Director had charged the staff with the responsibility to:

Undertake a thorough review of the state of the

> agency, the nature of the problems which face us today, and the Division's ability to deal effectively with these problems in the future. The assessment of our rehabilitative efforts is undertaken with the twin goals of our programs foremost in mind: first, to protect society from those youth who constitute a real threat to the safety and security of the community and second, to provide the most effective services possible to youth in our care...Those proposals form the basis for a new thrust in the Division's efforts to provide a broad spectrum of services geared to meet the needs of the individual youth in our programs".

While the role for the agency has been an evolutionary one, change over the last several years has been dramatic. Specifically, DFY has:* (Please see clarifying note at the end of this chapter.)

- Closed its training schools at Hudson, Highland, Warwick and its center at Overbrook and decreased the operating capacities at Industry by 33%. These changed the situation so that DFY operates only two facilities with more than 100 youth in program, the largest of which is 120 beds.
- Opened or plans to open 175 new urban home beds during fiscal years '75-'76 and '76-'77.
- Opened or plans to open 99 new youth development center beds during this same two-year period.
- Sharply increased its capacity to deal with Title III JDs requiring care within a secure setting.
- Developed a series of non-residential program alternatives in keeping with the overall fiscal and program mandate to remove Persons in Need of Supervision (PINS) from training schools.

- Increased foster care capacity from 300 to 390 beds.
- Broadened contacts with the voluntary sector for youth placed with the Division.
- Increased the number of rural non-secure beds by 80.
- Begun developing the capacity to assess youth at intake and throughout their stay with the Division.

All of these activities are taking place within the context of five interrelated Division policy aims:

- Community-Based Programming. The Division is seeking to place youth in the least restrictive program possible, and either in, or as close as possible to, their own community.
- Required Security. The Division must place a small number of youth in secure settings. Security is required to protect the community as well as to provide an environment for intensive service for the youth in question.
- Continuity of Service. The Division must develop a continuum of services for youth placed with this agency. After an adequate assessment of needs, a youth may be moved from one program to another so that his/her needs at a particular time are best met. This program concept implies that

the Division is seeking to fit programs to the needs of the youth we serve rather than fit the youth to existing and rigid programs. It further implies that average lengths of stay in particular facilities should change as the flow of service for many youngsters substitutes a successive stay in a community-based residential setting for a portion of the period that would have been spent in a rural setting under the pre-existing system.

- Accountability. The Division insists that staff must be accountable for the effectiveness of programs and the delivery of services. Accountability is essential to ensure the safety of the community and to ensure that the needs of youth are being met.
- Fiscal Reality. The Division recognizes that it is being called upon to do more for the youth it serves at a time of limited fiscal resources. It is, therefore, critical from a resource point of view that DFY make the most appropriate placement from the beginning of a youth's stay with the Division to the end. This economic reality is heightened when one realizes that, consistent with the appropriateness of a particular program for a particular youth, the less restrictive the program option is, the lower the cost of care for that particular youth.

The Division engaged in this review of its organization to determine the most effective means of ensuring that the five major policy aims listed above are implemented. The major results of this review are as follows:

- A regional structure, with staff directly involved in the problems of particular areas of the state, will provide the greatest possibility of ensuring that:
  - Youth are placed as close to home as possible.
  - Direct program accountability exists.
  - Gaps in service will appear with greater clarity, and steps to remedy them will occur more expeditiously.
- Continuity of service can best be obtained by assigning responsibility for supervisory case management to an individual or team charged with the responsibility for following a youth's progress from intake through a residential program or a variety of such programs to post-residential service and ultimately to discharge or through a non-residential service such as day service or independent living.
- The special needs of youth who require the most restrictive program alternatives available in the Division necessitate that, at least for the interim, a separate organizational reporting

relationship exists between these facilities and the central administration of the agency.

The implementation of this reorganization will ensure that the most cost effective type of programming is available to youth served by the Division for Youth.

Regionalization provides the managerial and organizational structure necessary to identify, develop, integrate, and coordinate services to youth, and to allow us to match the needs of youth with specific programs. As indicated, the makeup of the regions and the districts was undertaken with both a geographic and commonality of interest perspective. The districts are organized around major metropolitan areas which allows us to serve youth either in their own communities or in surrounding counties whenever possible.

There are four major functions which are being undertaken at the regional level.

a. Coordinated Service Delivery System

Develop a coordinated service delivery system at the regional, district and community levels. The vehicle to accomplish this is a plan of service for each youth. This plan is prepared, after assessment, by a Youth Service Team, which will then remain responsible for the youth throughout his DFY experience.

The principle of Continuity of Service will focus the responsibility for the youth on a particular Youth Service

Worker, no matter which program component a youth may currently be involved in. These components include facilities, Foster Care, Aftercare, and all the various elements of the Alternatives Grant, including day service. All of these activities are under the supervision of the Regional Office. Other potential resources for DFY youth include Detention and DFY Youth Development/Delinquency Prevention sponsored services, voluntary agencies, and other community resources. In order to accomplish coordinated service delivery, four changes were necessary:

1. Responsibility for all Rehabilitative Service programs within a geographic region was centralized under one individual.
2. We reorganized our previous Intake and Aftercare staffs into Youth Service Teams. These teams develop and implement a plan of service for each youth.
3. The Plan of Service is developed based on an improved assessment of the youth's needs.
4. Major efforts have been undertaken to reach out to appropriate resources for our youth in the private sector, including both the voluntary agencies and other community resources, and to programs funded through the Division's Care and Maintenance and YD/DP Local Assistance funds.

b. Assessment of Regional Needs and Resources

Assess the needs of the youth of the Region as they relate to DFY Rehabilitative Services, compare these needs with available resources and then change existing programs or design and implement new programs to meet these needs.

This second major function of the Regional Office involves a wider assessment of the needs of "youth in trouble" within each district and region. Some of the major gaps in our programming capability are all too apparent, i.e., the paucity of different treatment options for girls, the need for additional services for younger children, specialized services for Indian youth, etc. However, as the knowledge of the Regional staff increases concerning the needs of their communities, with it is coming an ability to foresee the needs of youth and to redirect current programs or develop and implement new programs to meet these needs. Each District has a Supervising Youth Division Counselor assigned to the District (half of the item originally funded from the Alternatives Grant) whose initial objective is the implementation of the range of services available in this grant. However, reaching beyond those services specifically identified in this important grant, this individual is responsible for the design and implementation of new programs within the district and the coordination of the Youth Service Teams. The program implementor reports to the District Supervisor. While the range of services now available or contemplated in the Division for Youth is probably as wide as any in the nation, we must continue to expand

the number of points on the continuum of services in order to negate the need to place a youth in a particular program for our needs, rather than the youth's needs.

c. Evaluation of Regional Programs

Evaluate all programs in the Region on an ongoing basis to monitor compliance with standards and the ability of the program to continue to meet the needs of our youth as outlined in B above.

This function is closely related to the requirement to assess the needs of the youth of the Region and to change programs or implement new programs to meet these needs. Obviously, a very significant portion of this effort revolves around evaluating our current programs (and those operated by private or local groups in order to ascertain their ability to meet the needs of the youth being placed with the Division). The Program Implementors are heavily involved in this effort along with additional staff where necessary.

d. Coordination with Total DFY System

Provide necessary information to the Central Rehabilitative Services Units in the Office of the Deputy Director for Rehabilitative Services in order to allow for interregional needs and statewide planning where necessary.

While we fully expect that the major thrust of our effort to deliver necessary services to youth will be on local, district, and regional levels, we must also recognize that the Division for Youth has statewide responsibilities. There will

remain a number of functions which will require statewide coordination or, in some cases, statewide operation (i.e., the current training school system). It is also clearly not our intent to develop four distinct mini-DFYs which operate in total autonomy, both from central direction and from each other. Rather, we have developed procedures and systems which will ensure maximum flexibility and a great deal of interregional cooperation in those cases where youth must be placed in programs in other regions.

*Directions in early 1977.

As of this writing, nearly two years later, current trends in the law and placement patterns have necessitated the addition of over 200 beds for serious juvenile delinquents not planned in early 1977. The bulk of these will be open by or before April 1, 1979. These include utilization of the Highland and Overbrook sites. Another 150 secure beds are in a planning phase.

VI. CONCLUDING STATEMENTS

A. DFY - JUVENILE JUSTICE OR CHILD CARE

Is DFY a child care agency or a Juvenile Justice Agency or a combination of both?

The basic tenet of a child care system is that children differ from adults in responsibility and that more of an attitude of humanity should, therefore, characterize society's dealing with youthful violators of the law. In dealing with juveniles workers attempt to be understanding and provide guidance and protection rather than criminal responsibility, guilt or punishment.

A Juvenile Justice orientation is similar to the Criminal Justice System in the following ways:

- The system must discern between serious offenses and chronic offenders as opposed to less serious offenses and offenders.
- The system must distinguish between different levels of offenses and offenders and provide for different kinds of processing and disposition.
- The system must focus on those small number of cases that involve serious offenses by chronic offenders.

The system described above is often referred to as a triage system.

One of the main problems that DFY faced after the Ellery C. court decision was the separation of youth adjudicated as "Persons in Need of Supervision" and "Juvenile Delinquents". Within the context of a juvenile justice system, the system must discern between different levels of offenses and offenders and provide for different kinds of processing and disposition. "The PINS judicial category is written into the laws of forty-one states, and children who are assigned to it occupy, according to one estimate, as much as forty-two percent of the caseload of juvenile courts".(9) Adding to this problem is the position of the parents. The parents of a delinquent child will defend him/her and attempt to divert and/or prevent the youth from entering the juvenile justice system whereas the parent of a PINS youth is attempting to place the youth and is looking for the law to rescue him.

The Agency attempts to protect society from those youth who constitute a real threat to the safety and security of the community on the one hand, and on the other hand, an attempt is made to provide the most effective services possible to youth in its care.

Rather than determining whether DFY is a Juvenile Justice Agency (which, legally and administratively, it is) or a Child Care Agency (which, functionally, it is), a case might be made for viewing the issue from a juvenile justice system model perspective; that is, does DFY approximate more closely a "crime control" model (which emphasizes protection of the public) or a "rehabilitative" model (which emphasizes helping the offender become a non-offender), or is DFY a synthesis of both models?

What are the issues facing an agency with, essentially, rehabilitative functions in a legislative atmosphere that is becoming increasingly more crime-control oriented?

Let us look at another state's Juvenile/Corrections System.

CALIFORNIA YOUTH AUTHORITY

The California Youth Authority (CYA) operates institutions handling about 4,500 youth between the ages of 13 and 25. The institutions include two reception centers, eight institutions and five forestry camps. The institutions range in size from 250 to 1,100 beds. In addition, the Youth Authority supervises 8,500 young people on parole, and operates a variety of community corrections projects and parole centers around the state.

The California Youth Authority has entire institutions devoted to such treatment methods as behavior modification and transactional analysis. Other institutions or parts of institutions emphasize academic schooling, vocational training, drug treatment and psychiatric counseling. The emphasis on the Youth Authority's program characteristics lies in the following program components:

- Reception Centers (one in northern California and one in southern California) Each youth committed to the Youth Authority is remanded to the reception center for a period of three weeks for diagnosis and assessment before placement.
- A Parole Board oversees each client and makes the determinations as to discharge.
- Clients can remain with the Youth Authority until age 25.

- The Youth Authority (State) programs for serious offenders only (comparable to New York State juvenile delinquents). Less serious offenders are handled at the local and county levels.

The California legislature passed legislation in July of 1978 enacting a County Justice Subvention Program.(10)

The Legislative intent of the Subvention Program is summarized as follows:

It is the intent of the Legislature to protect society from crime and delinquency by: (a) assisting counties in maintaining and improving local criminal justice systems, (b) encouraging greater selectivity in the kinds of juvenile and adult offenders retained in the community, (c) assisting counties in reducing the number of offenders reentering the local criminal justice systems, (d) protecting and caring for children and youth who are in need of services as a result of truancy, running away and being beyond the control of their parents, and (e) assisting counties in providing appropriate services and facilities for such children and youth.

The California Juvenile Justice System functions on two levels - County (local) and State. The State handles the most difficult youthful offenders. It encourages the localities to provide services for youth who can better be handled in facilities operated at that level. The California Youth Authority, which is DFY's counterpart, in general handles clients who have been adjudicated as juvenile delinquents.

Is there a middle ground?

It is at this point that we should examine the missions and goals of the Minnesota State System. The Minnesota System is or was defined at the time the article[11] was written (1975) as a Justice Model, justice for the victim. The underlying concept of the system is that rehabilitation must take place in the context of justice. The most basic right of an offender is not to be locked up if he can be safety handled in the community. Rehabilitation and Therapy have nothing to do with Justice and Safety. In Minnesota only after a juvenile has exhausted all the county alternatives is he sent away to a state institution.

The Mission Statement of the Minnesota System is written as follows -- "Justice is the central virtue for all public institutions and programs. The majority of juvenile offenders (less serious) are provided services at the county level. Every person is entitled to the most extensive basic liberty to the degree that it does not violate and is compatible with like liberty for others. It follows that with few exceptions, curtailment of freedom should be limited to the degree of control necessary for the protection of others from the offender. Control beyond the degree necessary for this purpose is a violation of the offenders's rights".

Rehabilitation efforts are directed toward restoration. It is difficult to restore anything to a previous state (assumption here is that the previous state was adequate and functioning) which is non-existent. In most instances, perhaps habilitation is a more appropriate intervention strategy for DFY's clients. In any event, habilitation and rehabilitation efforts are directed at our clients.

B. Toward a Unified System of Juvenile Justice and Child Care

A long-term objective of the Division is a unified system of Child Care and Juvenile Justice which coordinates and plans resources in both the public and private sector.

The Division for Youth has focused increasing concern and attention on the entire range of non-State agencies which provide services to youth. While the Division has had an ongoing long-term relationship with local agencies providing local youth services and recreation projects through its 30 year old Youth Development and Delinquency Prevention program, it is only in the last several years that the Division has established a coordinated effort to impact on the three major components of the service system for youth: (1) local youth development and delinquency prevention (which serves the general youth population); (2) local detention services; and (3) voluntary agency treatment programs.

A number of developments have facilitated or mandated the Division's present role:

- legislation creating financial incentives for county-wide comprehensive planning for youth services (1974);
- Federal mandates for removal of status offenders (PINS) from "correctional facilities", which includes secure detention (1974);
- Legislation requiring the Division to monitor agencies receiving reimbursement for care of PINS and JDs (1976);
- Federally funded study of detention needs, identified issues and problems requiring a unified coordinated Statewide approach (1977);

- Legislation giving the Division coordinate responsibility with the State Department of Social Services for the supervision of voluntary agencies caring for a significant number of PINS and JDs (1977);
- Concern with the lack of appropriate community-based programs (non-residential as well as residential) for many children currently being institutionalized;
- Recognition of the need for State and county governments (as purchasers of service) to exercise influence on the services to be offered by voluntary agencies.

In seeking to create the most effective mix of State, local and voluntary programming focused on the needs of the court-involved and the general youth population, the Division continues to utilize the proven concepts of State-local partnership which have been successful in the YD/DP program.

The major program directions which the Local Assistance staff is pursuing include:

- installation of the comprehensive planning process in all counties and New York City, and utilization of comprehensive planning as a means of improving the management and planning of all youth services within a county;
- redirection of local and State resources to meet the highest priority needs of youth, based on local initiative and recognition of service gaps;
- further development of local non-secure detention resources to provide the least restrictive and most constructive services possible for youth requiring this type of care, and ensuring the availability of secure detention for all counties, where this type of care is required;
- increased involvement with counties and voluntary child-care agencies to increase community-based residential and non-residential alternatives to institutionalization and to increase the range of services available for hard-to-place youth.

To accomplish the Division's long term goal of a unified system of Juvenile Justice and Child Care, the following areas should be coordinated:

Comprehensive Planning

Comprehensive planning is a complicated process requiring knowledge not only of local government structure but also that of a wide range of services and programs directed at serving youth in each individual county.

Each County Comprehensive Plan is part of an ongoing process which does not end with the publishing of the Plan. Each county's plan must be revised and expanded each year.

Several stages are involved in development of the comprehensive planning process and the preparation of the initial planning agreement (the major component of the comprehensive plan):

- Establishment of a Youth Board, a citizen group responsible for policy and executive leadership;
- Establishment of a Youth Bureau, an administrative agency responsible for determining youth needs and planning and coordinating youth services (smaller counties can have a part-time unit or the Youth Board may be responsible for comprehensive planning);
- Preparation of preliminary survey of youth services and needs within the county;
- Formation of a planning committee broadly representative of various services and community interests;

- Completion of the planning agreement which describes the program directions and funding priorities.

Through the comprehensive county planning structure, youth service needs will be identified, priorities will be established and directions will be set for the development of youth programs at the county level.

Voluntary Agencies

The Division for Youth's first involvement with the voluntary child-care sector was initiated in 1971 when DFY was statutorily required (Section 529 of the Executive Law) to share in the cost of care, maintenance and supervision of PINS and JDs placed in privately operated child-care facilities. The Division's Local Assistance appropriation provides State aid funds to reimburse local social services districts 50% of the net cost of this care.

In early 1976, the Division, recognizing that voluntary agencies provided an array of programs which could serve some children who had traditionally been placed in State facilities, approached and implemented with the Council of Voluntary Child Care Agencies a new cooperative placement program in which Division youth could be referred to a voluntary agency, where appropriate. Enabling legislation was also passed in 1976 requiring that counties assume financial responsibility for those youth placed by DFY in voluntary agencies. In concert with representatives of the voluntary agencies, the Division subsequently developed and negotiated a model contract which delineated the responsibilities of the Division and the participating voluntary agencies.

The cooperative placement approach has enabled the Division to capitalize on existing resources and child care programs, thereby expanding the range of options from which the Youth Service Teams can choose when selecting the most beneficial program for youngsters in the custody of DFY.

In the first eight months of 1978, 133 Division youth were placed into 40 voluntary agencies. It is anticipated that by the end of the year, approximately 200 Division youth will have been served in the cooperative placement program.

While the cooperative placement program may be reaching its maximum level upstate, the program is not fully available to New York City youth in the custody of the Division. The complexities of the New York City child-care system and the current financial procedures permit the Division to place New York City youth only in those voluntary agencies which have a contract with the City for child-care services; non-contract agencies cannot be utilized. As a result, upstate child-care facilities and other therapeutic communities cannot be utilized to provide services to New York City youth.

In fact, the upstate agencies that have expressed an interest in serving a limited number of New York City youth have done so contingent upon utilizing the Division's cooperative placement contract, which is already in effect, rather than get involved in the New York City contractual process. With stabilization of the program upstate, more intensive efforts can and will now be directed toward establishing procedures enabling the Division to utilize non-contract agencies for New York City youth.

To aid the Division for Youth in fulfilling its reimbursement responsibilities for PINS and delinquents in voluntary agencies, the Legislature, in 1976, authorized DFY to "visit, inspect and monitor" voluntary agencies. The capability to monitor those agencies serving PINS and delinquents was enhanced by legislation passed in 1977 which transferred the role of supervising the voluntary agencies from the Board of Social Welfare to the State Department of Social Services in conjunction with other State agencies. In accordance with an agreement between the Department of Social Services and the Division for Youth, the responsibility for monitoring those agencies serving a "significant" number of court related youth, i.e., 25% or more of program population, will be shared by the two State agencies. It was subsequently determined that the Division would bear conjoint supervisory responsibilities for 35 voluntary agencies throughout the State.

Recognizing the need to work toward a unified State system of child care, DFY established a liaison committee with the New York State Council of Voluntary Child Care Agencies which provides a regular forum to discuss child care issues of mutual concern. The initial meeting was held in November 1976; to date, the liaison committee has met twelve times. While providing a basic framework for interaction between the public and private child-care sector, the committee has dealt with major issues related to new legislation, deinstitutionalization of PINS offender, the standards of payment process and joint planning efforts.

The liaison committee was instrumental in establishing the cooperative placement program and helping to ensure its success. And above all, the committee has helped to solidify a working relationship between the Division and the voluntary sector.

Rehabilitative Services and Local Assistance

The Division has made a major effort to foster cooperative efforts between the Local Assistance field staff and the Rehabilitative Services field operations. In a number of areas, youth councils have been established which provide a communications link between Rehabilitative Services programs and the operators of programs funded through Local Assistance appropriations. Enhancement of the cooperative relationship will take place when the Local Assistance field structure is made parallel with the regional structure of the Rehabilitative Services operation.

The major accomplishment of the comprehensive planning process will be in providing a rational method of defining youth service needs within each county and of setting priorities and directives for further development of youth programs which meet these needs and reflect a consensus of the citizens, agencies and communities. The Division's field staff will be instrumental in helping localities develop and translate its plans into a more effective mix of services.

Public School System

The Statewide Youth Advocacy Project[12] has published a report on the schools and its effect on their clients. The focus of the project was on under-schooling and how it affects the lives of children. The message is clear - schools must learn to support and assist children in trouble.

An ounce of prevention is worth more than a pound of cure. More efforts will have to be directed toward prevention if society is going to effectively work with its "at risk juvenile population".

The Statewide Youth Advocacy Project is undertaking the Juvenile Justice System in New York State as its next project.

A quote taken from the newsletter of the School Advocacy Project states the position of the advocates as they undertake the task of studying the juvenile justice system --

> "It has become increasingly obvious that the children whom advocates see as suspendees, as truants, or as pushouts and dropouts have often entered the first level of the juvenile justice system. Both they, and especially those who have already been adjudicated PINS and delinquents, suffer from inadequate representation and thus are threatened with removal from home, family, and community. These and a variety of other actions are undertaken supposedly 'for the good of the child', but in reality serve more often to punish than to treat".

In the years ahead, the Division will attempt to establish a coordinative mechanism consisting of the liaison committee of the Division and the Council of Voluntary Child-Care Agencies to focus on the issues of community-based programming vs. institutionalization of PINS and delinquent youth, to standardize and streamline referral and intake procedures, to expedite the placement process, to promote flexible arrangements among voluntary agencies, to permit sharing of resources and expertise, and to develop criteria for placement in institutions, group homes, foster homes and non-residential programs.

The purpose of this paper is an attempt to place the evolution of the Agency in perspective, particularly in light of today's social-political climate. The Division has evolved from its inception as a Youth Service Commission in 1945 to a major State agency with a primary responsibility to provide services to youth. It functions as the State's arm for funding local youth development and delinquency prevention programs on the one hand, and on the other hand, it operates rehabilitative programs for juvenile offenders. Growth, expansion, mergers, legislation, organization and reorganization have been factors that have impacted the philosophies, policies and directions of an agency that has been in existence for thirty-three years. It is time to reassess, analyze, and re-evaluate the Agency's mission within the context of the present day environment of juvenile justice and child care issues and practices.

NOTES

(1) Whitman, Louis & Rothman, Flora, "Justice for Children" A Guide to Study and Action on the Juvenile Justice System in Your Community, pp. 1-6 National Council of Jewish Woman, Inc. 1972

(2) Committee on Mental Health Services Inside and Outside the Family Court in the City of New York, "Juvenile Justice Confounded: Pretensions and Realities of Treatment Services", pp. 2-5, 1972

(3) Jordan, Vernon, "My Turn", Pg. 8, Newsweek, August 1978

(4) Ordes, Dale, et al - "Summary and Intake Data - 1977", Statistics and Survey Unit, New York State Division for Youth, April 1978

(5) "Youth Crime", Time Magazine, Pg. 18, July 11, 1977

(6) Ohlin, Lloyd, E., "Juvenile Correctional Reform in Massachusetts", Preliminary Report of the Center for Juvenile Justice of Harvard Law School, 1974

(7) Coates, Robert - "Community-Based Corrections: Concept, Impact, Dangers". This reference is from a revised version of a paper presented at the Massachusetts Standards and Goals Conference, November 18, 1974

(8) Paquin, Hank, "Implementation Plan of Community Program Evaluation", pp. 1-6, DCJS Grant #2455, New York State Division for Youth, December 1977

(9) Harris, Liz, - "A Reporter at Large" - Persons in Need of Supervision - The New Yorker, August 14, 1978

(10) California Youth Authority, "County Justice System Subvention Program", Application Guidelines, pp. 5-8, California, July 1978

(11) Serrill, Michael, "Juvenile Corrections in Minnesota", Corrections Magazine, Vol. II, No. 2, November/December 1975

(12) Block, Eve, "Failing Students - Failing Schools" Statewide Youth Advocacy Project, Rochester, NY 1978

REFERENCES

Mahler, Judith, "Summary and Analysis of the Juvenile Justice Reform Act of 1976", prepared for the Committee on Youth and Correction by Community Service Society, New York City, July 1976

Paquin, Hank, et al, "Implementation Plan for Intensive Evaluation of Community-Based Programs" - DCJS Grant #2455, New York State Division for Youth, April 1978

Beder, Harold, et al, "Towards a Total Learning Environment: An Analysis of the World Education/Division for Youth Training Project" - Center for Adult Development, Rutgers University 1978

Pileggi, Nicholas, "Inside the Juvenile Justice System", New York Magazine, June 13, 1977

"The Link Between Learning Disabilities and Juvenile Delinquency - Current Theory and Knowledge", U.S. Department of Justice Law Enforcement Assistance Administration - National Institute for Juvenile Justice and Delinquency Prevention

Division for Youth (DFY)/Office of Mental Health (OMH) Survey of Youth in DFY Facilities - DFY-OMH, 1978, Albany, New York

1976 Annual Report - New York State Division for Youth